

Notice of Allowability

Application No.

09/954,767

Examiner

Rip A. Lee

Applicant(s)

MUSCH ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 7, 2004.
2. ☒ The allowed claim(s) is/are 12, 13, 15-24 and 26-29.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This office action follows a response filed on January 7, 2004. Applicants have canceled claims 1-11 and have added new claims 12-29.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary F. Matz on March 12, 2004.

Claim 12, line 7 delete the word "organic"

Claim 12, line 8 remove the period that appears between "wt" and "%" as shown

Cancel claim 14

Claim 15, line 2 delete the word "organic"

Cancel claim 25

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: Claims 12, 13, and 15-24, and 26-29 are allowed over the closest references, U.S. Patent No. 3,926,880 to Esser *et al.* and U.S. Patent No. 4,212,780 to Fitzgerald.

The present invention relates to an adhesive composition comprising (i) a polychloroprene dispersion, (ii) at least one adhesive resin, and (iii) 0.01-1 wt % of one or more organic thickening agents, wherein the polychloroprene dispersion is comprised of (a) chloroprene, (b) ethylenically unsaturated comonomer, and (c) unmodified resin acid comprising at least 40 wt % of abietic acid as emulsifier. In another embodiment, the composition is further comprised of 1-10 parts by weight of ZnO or MgO.

Esser *et al.* discloses an adhesive composition comprising polychloroprene latex containing an ethylenically unsaturated comonomer and terpene-phenol adhesive resin, wherein disproportioned abietic acid or abietic acid derivatives are used as emulsifier. Zinc oxide in the amount of about 7.5 parts by weight may be incorporated into the composition. Since the reference neither teaches nor suggests use of 0.01-1 wt % of thickener, one having ordinary skill in the art would have found it obvious to arrive at the subject matter of the present claims.

Fitzgerald discloses an adhesive composition comprising chloroprene polymer containing 2,3-dichloro-1,3-butadiene comonomer and modified phenolic resin as the adhesive resin. Nancy Wood rosin, comprised of a mixture of 44.8 wt % of abietic acid, neoabietic acid, levopimaric acid, and dehydroabietic acid, *inter alia*, is used as emulsifier for the chloroprene

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polymer. A basic metal oxide such as MgO may be incorporated into the composition in an amount of 1-50 parts. Since the reference neither teaches nor suggests use of 0.01-1 wt % of thickener, one having ordinary skill in the art would have found it obvious to arrive at the subject matter of the present claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached at (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

ral

March 12, 2004



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